

PROTECTING CIVILIANS WHILE AVOIDING HARM:

The Implementation of “Do No Harm” by UN Peacekeepers in South Sudan



ABOUT CIVIC'S UN PROGRAM

CIVIC's UN Program is dedicated to strengthening the protection of civilians through UN peacekeeping operations. To achieve this objective, CIVIC leads in-depth research and strategic advocacy in the Central African Republic (CAR), the Democratic Republic of Congo (DRC), Mali, and South Sudan; at UN Headquarters in New York; and in UN Member State capitals.

CIVIC's peacekeeping work is based on the theory that UN peacekeeping reform should be civilian-focused and must occur at the local, national, and international levels to be sustained. At the local-level, CIVIC documents the perspectives of communities under threat, local authorities, armed actors, humanitarians, and the peacekeeping personnel carrying out daily activities to protect, often in remote locations. At the national-level, CIVIC engages with a peacekeeping operation's headquarters, national civil society organizations, the UN agencies and international NGOs, embassies, and host-state government representatives. Through this work, we capture and share good practices and lessons learned within and between peacekeeping mission contexts. CIVIC also translates what it learns at the local and national levels into recommendations that policy- and decision-makers, including UN Secretariat officials, UN Member States, and civil society, can take forward in multilateral forums.

In 2022, CIVIC will continue to focus its efforts to strengthen the ability of UN peacekeeping operations to protect civilians in the following three areas:

- UN peacekeeping missions continue to prioritize the protection of civilians during mission transition and drawdown;
- Protection of civilians early warning and rapid response systems are strengthened in UN peacekeeping operations; and
- UN peacekeeping missions mitigate the risks to civilians that could result from their own presence, activities, and operations (a practice called civilian harm mitigation).

I. INTRODUCTION

Two years ago, South Sudanese President Salva Kiir, his long-time rival Riek Machar, and other opposition leaders formed a transitional unity government. The formation of the unity government marked a significant step forward in the implementation of the 2018 revitalized peace agreement (R-ARCSS), which sought to end a brutal five-year civil war that has resulted in hundreds of thousands of civilian deaths.¹ Despite this progress, the situation in South Sudan remains dire and unstable: civilians continue to face high levels of violence in some parts of the country; a projected 60 percent of people in South Sudan will face acute food insecurity in 2022²; millions remain displaced from armed conflict; and much of the implementation of the R-ARCSS has faced persistent delays. In 2022, notably, there have been significant escalations in conflict and human rights violations in certain areas, including in parts of Unity State and Upper Nile State.³ More broadly, tensions between the government and the opposition remain high, and there are concerning signs that transitional bodies created by the peace agreement to continue its implementation may collapse.⁴ Already significant tensions are likely to increase and trigger further insecurity as the country approaches the presidential elections scheduled for 2023.⁵

With a mandate to help address these challenges, the UN peacekeeping Mission in South Sudan (UNMISS) remains a critical actor. The Mission has four primary responsibilities: to protect civilians; to create conditions conducive to the delivery of humanitarian assistance; to support the implementation of the R-ARCSS; and to monitor, investigate, and report on violations of human rights and international humanitarian law.⁶ Through these four mandated objectives, UNMISS aims to contribute to sustainable security and stability. But given the fragility and complexity of the current situation—where political will for reform is sometimes in short supply but political manipulation is rife—it is vital that UNMISS effectively implement a “do no harm” (DNH) approach.

An essential principle for humanitarian actors and UN peacekeepers, DNH requires that peacekeeping missions take steps to mitigate the potential that their activities and engagement could harm civilians or expose them to risk. The concept of DNH is distinct from, but overlaps significantly with, civilian harm mitigation (CHM), a whole-of-mission obligation of UN peacekeeping operations when their military and police components are undertaking operations.⁷ UN peacekeeping policy recognizes both DNH and CHM responsibilities. But while UN peacekeeping policy requires that missions effectively incorporate DNH into their activities and operations, implementation could be further strengthened and mainstreamed in the peacekeeping context.

“Do No Harm” requires that peacekeeping missions take steps to mitigate the risk that their activities and engagement could harm civilians or expose them to risk.

This Issue Brief is based on interviews with 136 individuals, including UNMISS military, civilian, and police officials, humanitarians, and South Sudanese civilians and civil society leaders. Interviews were conducted in Juba, Malakal, and Bentiu between September and November 2021. The Brief highlights UNMISS activities that contribute to protection and the creation of a protective environment but that, according to interviewees, could also pose an elevated risk of harm to communities. While valuable, these activities require conflict sensitivity and adequate safeguards in order to avoid incidental negative effects. Highlighted activities include: a) providing support and capacity building to state actors and initiatives, including to the South Sudanese National Police Service (SSNPS) and other elements of the justice and corrections chain; b) assisting population movements; and c) engaging

with civilians. The Brief also outlines some of the ways that UNMISS currently incorporates a DNH approach into its activities, and it identifies areas in which the Mission could strengthen DNH implementation across its components. Some UNMISS sections are proactively implementing a DNH approach—other sections across the Mission should take steps to do the same.

Going forward, both UNMISS and UN Member States can take steps to reinforce and mainstream DNH thinking into the Mission’s activities. Notably, the Mission can:

- Ensure that DNH is known and understood across the Mission and that the concept is a central consideration in decisions regarding when to support South Sudanese state actors, as well as in planning other activities and operations;
- Ensure that DNH considerations are adequately integrated into policy and planning processes across UNMISS, including within the Mission’s military and police components;
- Increase the capacity dedicated to the implementation of the Human Rights Due Diligence Policy (HRDDP) and ensure that the policy is applied in a timely, consistent, and effective manner.⁸

The UN Security Council and Member State delegates engaged in approving Mission mandates and budgets should:

- Ensure that UNMISS’s mandate emphasizes the need for the Mission to apply a DNH approach across activities, particularly when providing support to, or capacity building of, government authorities, assisting population movements, and during community engagement activities;
- Support potential requests for increased funding and staffing that would allow UNMISS and the broader UN system to strengthen implementation of the HRDDP.

The UN Secretariat should also support UNMISS in operationalizing and contextualizing existing guidance on a DNH approach.



September 28, 2021, Warrap, South Sudan: United Nations Police (UNPOL) from UNMISS conduct a workshop to build the capacities of local women police officers. The workshop included training on responding to sexual- and gender-based violence and the role of female law enforcement officers in preventing and managing conflict.

“DO NO HARM”: A Brief Overview

The Department of Peace Operations’ (DPO) 2019 Policy on the Protection of Civilians in UN Peacekeeping highlights DNH as a foundational principle. The policy states, “All mission components must be mindful in their activities and engagement with individuals and communities not to expose civilians to risk or to cause harm, including by exposing civilians to possible reprisals for cooperation with the mission.” It further instructs that “peacekeeping operations must be particularly aware of the potential risks to civilians caused by their own actions.”⁹

Despite this recognition, the integration and operationalization of DNH in UN peacekeeping remains somewhat limited, particularly when compared to other fields,

such as humanitarian interventions, where the concept is significantly more pervasive in policy and planning.¹⁰ Humanitarians have long recognized the concept of “do no harm” as central to their interventions, and the principle has been codified in humanitarian policy since the 1990s.¹¹ Although DNH is defined differently across organizations, definitions focus on actors ensuring that humanitarian interventions do not have negative or harmful repercussions. (Harm is understood to encompass damage to the physical and mental well-being of stakeholders, as well as less direct concerns such as corruption or distortion of local markets.) The humanitarian network F3E, for example, offers two definitions of the DNH principle: 1) “do no harm’ is to avoid exposing

people to additional risks through our action,” and 2) “‘do no harm’ means taking a step back from an intervention to look at the broader context and mitigate potential negative effects on the social fabric, the economy and the environment.”¹² Similarly, the Inter-Agency Standing Committee guide for Resident Coordinators states that Resident Coordinators “should ensure that humanitarian actors do all they reasonably can to eliminate or minimize the risks of humanitarian interventions negatively impacting on the affected population.”¹³ Across DNH definitions, it is clear that implementation of the concept requires practitioners to conduct continuous analysis of their program’s impact[s] on the broader context and take steps to mitigate potential harm.¹⁴

DNH is closely related to “conflict sensitivity.” According to the CDA Collaborative, an action research and advocacy organization, “Conflict sensitivity recognizes that aid, whether development, peacebuilding, or humanitarian assistance, has the potential to support either conflict or peace.”¹⁵ Because introducing resources or implementing activities in a conflict context can empower—or be perceived to empower—some actors, it risks enhancing the capabilities of one actor over another or stoking tensions that can lead to conflict and violence. Examples of actions that can contribute to a conflict sensitive approach include “systematically taking into account both the positive and negative impact of interventions, in terms of conflict or peace dynamics, on the contexts in which they are undertaken, and, conversely, the impact of these contexts on the interventions,”¹⁶ and “check[ing] that the intervention is perceived as appropriate to the context and acceptable to local populations.”¹⁷ Some organizations and analysts describe DNH as a component of a conflict-sensitive approach,¹⁸ or suggest that conflict-sensitive approaches grew out of the DNH principle.¹⁹

As noted, DNH is distinct from, but related to, the concept of civilian harm mitigation (CHM) in UN peacekeeping policy. UN peacekeeping policy identifies CHM as a whole-of-mission obligation, but specifically underscores that “measures are particularly important in relation to operations that may include the use of force.”²⁰ UN policy further highlights the importance of CHM for missions’ uniformed and police components, whose personnel “must take steps to protect civilians and mitigate potential harm to civilians which might arise from those operations, before, during or after.”²¹ Beyond peacekeeping, the concept of CHM has been applied in other multinational military operations, such as AMISOM and the G5 Sahel Joint Force, and has been recognized in international military doctrine.²² Although CHM is grounded in international humanitarian law—including the prohibition of targeting civilians and civilian objects as well as the requirement that belligerents undertake “precautionary measures” before launching attacks—effective implementation of the concept may obligate belligerents to undertake activities not specifically required under international law.²³ For instance, while not an obligation specifically outlined in IHL, belligerents should effectively track civilian harm caused by operations, whether or not incidents of harm stem from IHL violations.²⁴ Although there is significant overlap between DNH and CHM, it should be noted that DNH is an underlying principle that applies to all components of peacekeeping missions in all of their activities, not only during operations or kinetic engagements.

Additional work is needed by stakeholders within and outside the UN system to clarify how the concepts of DNH, CHM and conflict sensitivity are related and can be more effectively mainstreamed in UN peacekeeping. Some policies and lessons learned from the humanitarian and development sectors on adopting a “do no harm” could be useful if applied or adapted to UN peacekeeping efforts.

II. FLASHPOINTS FOR POTENTIAL HARM IN THE SOUTH SUDAN CONTEXT

Following the outbreak of civil war in South Sudan in 2013, the UN Security Council (UNSC) shifted UNMISS's priority task from building the capacity of state actors to the protection of civilians from physical violence. The UNSC has maintained the protection of civilians as the first pillar of the mandate each successive year. Since this shift, UNMISS has made important efforts to implement its protection mandate, including by securing hundreds of thousands of civilians who fled to UN bases seeking protection from violence perpetrated by government and opposition forces. But as large-scale political violence in the country has ebbed, the UNSC has gradually re-expanded the scope of UNMISS's state-support activities.²⁵ In parallel, UNMISS decided in 2020 to redesignate many of the protection of civilian (POC) sites—where tens of thousands of civilians were sheltered on or adjacent to UN bases under the UN's protection responsibilities—as regular displaced person camps under the protection authority of the South Sudanese government. This decision has shifted the nature of UNMISS's protection activities in former POC sites from direct protection to supporting national security forces.²⁶ UNMISS is also mandated to foster a secure environment for the safe, informed, voluntary, and dignified return, relocation, resettlement, or integration into host communities of the millions of people displaced by the conflicts in South Sudan and in neighboring countries, including those who fled to UN bases and are now living in redesignated POC sites.²⁷

UNMISS is well-placed to provide some types of technical assistance to national actors, and the Mission's capacity-building activities could be valuable in promoting stability and preventing security from deteriorating.²⁸ But UNMISS is undertaking these mandated tasks at a precarious moment. Political elites continue to vie for the upper hand against each other in forums and through institutions meant to promote cooperation, while state and non-state forces continue to commit gross human rights violations in the context of widespread subnational violence that is often manipulated by military and political actors.²⁹ In such a context, support to particular national actors and certain aspects of the peace process could potentially cause or contribute to civilian harm if steps are not taken to mitigate risks.

Through interviews with stakeholders in South Sudan, CIVIC identified several areas of work in which these risks are particularly salient: a) providing support and capacity building to state actors and initiatives; b) assisting population movements and other efforts to address conflict-related displacement; and c) engaging with civilians.

a. Providing Support and Capacity Building to State Actors and Initiatives

UNMISS implements a number of tasks in support of South Sudanese state authorities.³⁰ One of these mandated tasks is to support South Sudanese security and justice actors, including by “using technical assistance and capacity building to support the [government of South Sudan] to expand and reform the rule of law and justice sector, in a conflict-sensitive manner.”³¹ Rule of law support from UNMISS and other external actors is critical given the weaknesses of the South Sudanese justice system: from law enforcement to detention to courts, authorities suffer from a lack of basic resources, training, and personnel.³²

During the civil war, parties to the conflict largely split along ethnic lines. As such, the military, police and other security forces are often perceived by civilians as ethnically and politically aligned actors rather than neutral agents of protection.

Although there are potential benefits, support to authorities also involves significant risks. South Sudan has never had a cohesive or fully professionalized military. During the civil war, parties to the conflict largely split along ethnic lines and the already fractious military structures followed suit. As such, the military, police, and other security forces are



May 6, 2021, Juba, South Sudan: UNMISS's Child Protection Unit trains officials from the national military justice sector. The training focused on why children need special protection in armed conflict, the six grave violations against children, and South Sudan's legal framework regarding at-risk children.

often perceived by civilians as ethnically and politically aligned actors rather than neutral agents of protection.³³ Moreover, the government and opposition forces have both recruited and used poorly trained militias alongside their regular soldiers, and there has been little accountability for atrocities committed by either soldiers or members of these militias.

The parties have been slow to implement provisions of the R-ARCSS that are meant to address some of these concerns, as well as to establish unified security forces (military, police, and other security forces) composed of government and opposition factions that have undergone screening and training processes.³⁴ As of early May 2022, no unified military forces had been “graduated,” a term that denotes completing training and being deployed as part of the country’s new Necessary Unified Forces (NUF). While government and opposition leaders publicly announced the formation of a unified military command as well as the impending graduation of some unified forces, it remains to be seen whether graduation will take place.³⁵ A joint police

force (JPF) was hastily stood up in one area of the country—Bentiu—through a process that was mostly divorced from the more comprehensive system of assessments, screening, training, reunification, and demobilization of some personnel that is outlined in the peace agreement. The JPF is a local security arrangement composed of 130 officers drawn equally from government and opposition forces.³⁶ Moreover, much of the legislation governing security institutions—such as the police, the prison system, and the National Security Service—is not in line with international norms and standards.³⁷

In this context, UNMISS support to security actors could contribute to future abuses without adequate safeguards.³⁸ Additionally, providing support to non-unified forces could be perceived as defending the interests of one community while marginalizing—or endangering—other communities, particularly communities who see current security forces as a threat. Beyond questions of perception, such support could actually increase the capabilities of one of the former parties to the conflict over another or exacerbate political and ethnic tensions.

“How can we trust these militias that call themselves police? We don’t have police. If those unified police are not graduated, we can’t trust the police...UNMISS can’t help them.”

— Civilian, Malakal POC Site

Most of the capacity building that UNMISS provides to national security actors comes in the form of trainings on human rights, and UNMISS support to the South Sudanese police (SSNPS) has been considered safer than providing support to military forces. But other forms of support meant to increase SSNPS capacity, such as constructing police stations or potentially providing tactical or operational support in the future, could involve substantial risk.³⁹ The SSNPS includes high-ranking officials who have “allegedly participated in military offensives and have been responsible for serious human rights violations.”⁴⁰ Moreover, in several areas of the country where police units have not been unified or adjusted to incorporate officers aligned with opposition parties and ethnic groups typically affiliated with the opposition, civilians interviewed by CIVIC expressed deep distrust in the SSNPS.⁴¹ For instance, residents of the Malakal POC site—a displaced persons camp under the full authority and protection of UNMISS—frequently described the SSNPS as a tribal militia that would not protect those living in the camp.⁴² “The change I need to see to feel protected, it is when police become national, not completely dominated by one tribe,” explained one POC site resident.⁴³ Emphasizing the need for meaningful reform before UNMISS support could be effective, another POC site resident said, “How can we trust these militias that call themselves police? We don’t have police. If those unified police are not graduated, we can’t trust the police...UNMISS can’t help them.”⁴⁴ Likewise, a national NGO official observed, “If we do the trainings [for SSNPS], who are we capacity building? We are capacity building people whose mandate is to protect individuals and not the general public.”⁴⁵ It should additionally be noted that low and irregular pay for

SSNPS can also incentivize corruption.⁴⁶

The 2020 Independent Strategic Review of UNMISS raised similar concerns regarding the potential provision of increased support to SSNPS. While acknowledging the value of some limited technical support initiatives—such as efforts to support the South Sudanese police in countering sexual and gender-based violence—the Review asserted that “the formation of a unified police force should be a precondition for broader capacity-building efforts that would include tactical training and operational support.”⁴⁷ The Review additionally stressed that UNMISS “will need to ensure it adopts a ‘do no harm’ approach to efforts to build the capacity” of the SSNPS.”⁴⁸

In order to increase community confidence in the SSNPS and comply with the revitalized peace agreement, the government will need to ensure that the SSNPS is representative of the population it is mandated to protect. But even if a more representative police force is established, providing support will still carry significant risks, particularly if screening and training are limited. The Joint Police Force (JPF) in Bentiu, a town in South Sudan’s Unity State, provides an example of these risks.

Authorities in Bentiu established the JPF in 2020. In 2021, the JPF was tasked with taking over policing responsibility from UNMISS police officers in a POC site under UNMISS control when it was redesignated as an internally displaced person (IDP) site under government authority.⁴⁹ Although UNMISS has continued to conduct some patrols around the area since this change, the Mission has refocused its efforts to supporting the JPF, including by building police stations, providing training, organizing joint coordinated patrols, and offering logistical support.⁵⁰

In conversations with CIVIC, IDPs and humanitarians shared concerns about the behavior of the JPF. Notably, they cited allegations of armed robbery, sexual and gender-based violence (SGBV), torture, extortion of money and food, attacks against humanitarian facilities, and a persistent lack of trust between communities and police.⁵¹ When asked about perceptions of the JPF, one civilian said, “I don’t trust them, because some of them are among the looters, you find them in the day wearing uniforms but at night they can attack and they loot.”⁵²

Another civilian—who had a more positive view of the JPF overall—still highlighted gender-based violence (GBV) perpetrated by JPF officials, asserting, “For the JPF, they are doing GBV. JPF are taking girls and doing GBV, including sexual assaults. This a problem with the JPF.”⁵³ Other stakeholders highlighted concerns of torture.⁵⁴ For example, one civilian alleged that the JPF “is torturing people. They arrest them and then they torture them. This happened to our cousin, they took him and he spent four days in jail. They tortured him, and he came back without any clothes.”⁵⁵ More generally, interlocutors described a deteriorating security climate in the camp since redesignation.⁵⁶

“[The Joint Police Force] is torturing people. They arrest them and then they torture them. This happened to our cousin, they took him and he spent four days in jail. They tortured him, and he came back without any clothes.”

— Civilian, Bentiu IDP Camp

As noted above, the SSNPS will require support if they are to effectively protect civilians. Some civilians and humanitarians in Malakal and Bentiu—including those who were critical of the SSNPS and JPF—acknowledged that capacity building is needed for South Sudanese police, including training on human rights and gender as well as improved capacity to respond to threats.⁵⁷ But it is vital that the Mission recognize the risks associated with these activities and incorporate a DNH approach when providing support, including taking steps to mitigate the risk that UN support could facilitate abuses.⁵⁸ Alongside their capacity-building initiatives, for example, UNMISS officials noted the importance of Mission advocacy with national authorities on the ethnic diversity of the SSNPS for mitigating harm, as well as the importance of co-location and monitoring human rights violations committed by the SSNPS and JPF.⁵⁹

Beyond providing capacity building for police, UNMISS is working to strengthen other elements of the South Sudanese justice chain, including through training for prosecutors and judges as well as support to the prison system.⁶⁰ As with support to police officers, assistance from UNMISS and other UN agencies to these elements of the justice chain could be valuable. Such support has helped to improve accountability, for example, particularly through UN-supported mobile courts and the provision of technical advice regarding legal reforms.⁶¹ But given the overall weaknesses of the justice system, efforts to strengthen certain parts of the justice chain can potentially lead to harm if they are not part of a more comprehensive plan to improve all links in the justice chain and if there is not sufficient monitoring to detect abuses early.⁶² For example, UNMISS’s construction of detention facilities could help improve the conditions of South Sudanese prisoners, who often live in decrepit and dangerously overcrowded facilities.⁶³ But facilities constructed or rehabilitated by UNMISS could also be used in contravention of international law. Several stakeholders highlighted, for example, the risk that facilities constructed by the Mission could be used to detain children alongside adults or as sites of torture.⁶⁴

Similarly, as noted above, UNMISS’s facilitation of mobile courts is an important effort to increase accountability.⁶⁵ But safe trials require adequate protections in place for witnesses and survivors. The UN’s Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, for instance, asserts that authorities must take measures to “protect [victims’] privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation.”⁶⁶ Without adequate precautions to protect participants, participating in trials can put survivors and witnesses at risk of reprisals for their participation. In correspondence with CIVIC, UNMISS officials specifically stressed that South Sudanese legislation on and capacity for the protection of witnesses and reporting persons is currently inadequate.⁶⁷

UNMISS can help ensure it carries out these critical initiatives safely by rigorously assessing risks and monitoring the ways in which support—from constructing police stations to facilitating mobile



May 19, 2021, Malakal, South Sudan: UNMISS's Special Representative to the Secretary-General undertakes a field visit to Bentiu and Malakal. During the visit, he engaged with local authorities as well as with UNMISS's civilian, police and military components.

courts—is used to effectively identify and address any adverse effects. Balanced assistance to different levels of the justice chain can also help mitigate risks. For example, UNMISS officials stressed the importance of Mission support to legislative reform on rule of law issues (an ongoing initiative) alongside technical support to mobile courts.⁶⁸ The Mission will also likely need to develop common strategies with other key justice support actors, such as the UN Development Program (UNDP). Common strategies can help to ensure that programs are complementary and—if possible, given funding limitations and national political will—coherently and simultaneously address weaknesses throughout the justice chain. As one UN agency official asserted, “We need genuine joint programming, where we sit together and conceptualize programs together.”⁶⁹ Additionally, UNMISS can scale up its support to national organizations that provide protection services for survivors and witnesses testifying in the mobile court hearings it facilitates, especially if and when it plans to increase support to trials.

b. Assisting Population Movements and Other Efforts to Address Displacement

UNMISS has a mandate to “foster a secure environment for the safe, informed, voluntary, and dignified return, relocation, resettlement or integration into host communities for IDPs and refugees when and to locations where conditions are conducive.”⁷⁰ There are over two million internally displaced persons (IDPs) living across South Sudan.⁷¹ IDPs are in need of “durable solutions,” which will potentially include returns to places of origin or resettlement in host communities.⁷² When they consider it safe to do so, many IDPs will likely want to reclaim housing and property that they left behind.⁷³ Because UNMISS has more extensive logistical capabilities and transportation resources than most actors in South Sudan, the Mission’s support—in coordination with humanitarians—can be instrumental in helping displaced persons return with prospects for durable solutions.⁷⁴



September 18, 2020, Bor, South Sudan: A South Sudanese government delegation visits the former Protection of Civilians (POC) site in Bor. The visit took place after the site was redesignated from a POC site under UNMISS control to an internally displaced person (IDP) site under government authority.

But in a context where land rights are disputed, comprehensive records on land ownership are lacking, and land disputes are often deeply connected to the ethnic and political dimensions of the conflict, population movement is intensely fraught.⁷⁵ The civil war has exacerbated conflicts over land rights and political representation. In addition to the widespread displacement of millions of people during the civil war, the political map of states and localities was redrawn, local and state political representatives have been repeatedly reshuffled, and parties to the conflict have manipulated population movements.⁷⁶

International actors, including UN agencies, INGOs, and UNMISS, play a role in supporting the movement of displaced populations. But given the dynamics discussed above, there is a risk that, when they do so, they could support ethnic redistribution or ethnic gerrymandering.⁷⁷ Protection actors who support population movements often adhere to certain principles to safeguard against potential harm, including ensuring returns are voluntary and informed.⁷⁸ However, given the

deeply politicized context and past efforts to manipulate voluntary population movements, many humanitarian, country experts, and others who spoke with CIVIC stressed the importance of also ensuring deep contextual knowledge, conflict analysis, and a DNH approach in weighing whether to support population movements in South Sudan.⁷⁹ For example, stakeholders highlighted a recent contested movement of 5,654 IDPs from Melut County to Baliet County in South Sudan's Upper Nile State between April and May 2021. During the relocation—which certain prominent political leaders called for—IDPs returned to their home county from areas to which they had been displaced during armed conflict.⁸⁰ Some humanitarians assessed the movement as safe, and UNMISS provided logistical support. But other humanitarians felt that, given political sensitivities and contested land rights in the area, the movement could provoke negative humanitarian consequences and/or contribute to ethnic reengineering.⁸¹ The Baliet example highlights the challenges of determining whether and how to support population movements in the current environment.⁸²

Given the unpredictability of the current situation in South Sudan, some stakeholders also advocate for international actors, including UNMISS, to avoid creating incentives that could encourage returns to areas where protection and humanitarian services cannot be sustained or where there is a significant risk that the security situation will deteriorate in the near term.⁸³ In this vein, one INGO official who spoke with CIVIC took issue with even using the terminology of “solutions” for the crisis, as it could create unrealistic expectations of stability. “The language of solutions at this time is not helpful,” the official said. “At this point of time, it isn’t feasible to think about solutions. There is a failure to accept that reality and the very real challenges and risks that lie ahead.”⁸⁴

Of the over two million internally displaced South Sudanese, an estimated 167,856 IDPs lived in POC sites as recently as September 2020.⁸⁵ But since October 2020, UNMISS has redesignated all but one of its POC sites into IDP camps, thus placing them under the protection authority of the government. The redesignation of POC sites—and the establishment of state authority over the camps—has been a central priority for key South Sudanese political elites, some of whom perceive the POC sites as a political threat and an obstacle to desired population movements and returns.⁸⁶

Prior to redesignation, UNMISS conducted security risk assessments (SRAs) to determine the particular protection concerns of redesignating each of the POC sites. In conversations with CIVIC, interlocutors noted that there were significant differences between the protection analyses developed by humanitarian agencies and the conclusions of the SRAs completed by UNMISS.⁸⁷ In particular, UNMISS appears to have primarily considered whether redesignation of the sites would pose immediate physical protection risks to civilians, while some stakeholders felt that protection assessments should take into account the broader political dynamics and the unresolved housing, land, and property (HLP) challenges. In Malakal, for example, land and property remain key elements of ongoing conflict dynamics as well as a fundamental obstacle to durable solutions. Under new leadership, UNMISS appears to be more thoroughly considering political dynamics in its approach to the future of the remaining POC site in Malakal.⁸⁸

Peacekeepers and humanitarians have different definitions of protection. Moreover, UNMISS leadership has asserted that the decision to redesignate POC sites was based not only on the SRAs, but also on a need to prioritize its efforts given limited resources.⁸⁹ But UNMISS should ensure that protection analysis is thoroughly sensitive to conflict dynamics. Doing so can strengthen decision-making and help to identify and mitigate risks of redesignation or support to population movements whether or not UNMISS ultimately decides to redesignate a particular protection site or support a population movement. Strong collaboration between UNMISS and humanitarians can help support conflict sensitivity. As referenced above, a conflict-sensitive approach requires that interveners: a) understand the conflict dynamics of the context in which they operate; b) understand the potential impacts of their intervention on the context; and c) avoid reinforcing conflict dynamics and “capitalize on opportunities to support peace.”⁹⁰

Engaging communities and a people-centered approach are central to UNMISS’s work and capacity to effectively implement its mandated tasks. But interacting with UNMISS can also lead to risks for civilians.

c. Engaging with Civilians

Across its military, police, and civilian components, the Mission engages with South Sudanese civilians in many ways, from organizing intercommunal dialogues to conducting human rights investigations. As outlined by past CIVIC research and numerous other independent and UN reviews of peacekeeping, engaging communities and a people-centered approach are central to UNMISS’s work and capacity to effectively implement its mandated tasks.⁹¹

But interacting with UNMISS can also lead to risks for civilians. When the Mission conducts investigations and information-gathering related to human rights violations and protection threats, for example, it could potentially expose civilians to dangers. This is not a challenge unique to South Sudan. In many conflict environments, civilians who share information on protection incidents or dynamics—whether with peacekeepers, humanitarians, or others—risk exposing themselves to reprisal attacks if their identities are known. The 2020 DPO handbook on POC in peacekeeping recognizes this danger, noting that civilians “may be subject to reprisals if they are considered to have supported military operations, state security forces or the mission.”⁹² Risks to civilians may be elevated when UNMISS collects information on CRSV or SGBV, particularly due to the societal stigma attached to survivors of sexual violence. As noted previously, risks of retaliation may be higher if links in the justice chain are weak or if survivors are not adequately supported. Moreover, when humanitarians, UNMISS officials, or others conduct interviews with survivors, they could potentially retraumatize the individuals they are speaking with.⁹³

International actors can avoid re-traumatization by coordinating and sharing information with each other rather than asking individuals to re-share their stories.⁹⁴ However, confidentiality and protecting the identities of sources are critical for avoiding reprisals.⁹⁵ UNMISS and humanitarians can navigate these difficult dynamics through conflict-sensitive information-sharing protocols and guidance.⁹⁶ A strong survivor-centered approach when gathering information on sensitive issues, including CRSV and SGBV, can also reduce risks. Endorsed by the UNSC, a survivor-centered approach requires that interveners prioritize the needs, concerns, and wishes of survivors.⁹⁷ UNMISS’s mandate requires that it and all parties to the conflict and other armed actors “adopt a survivor-centered approach to prevent and respond to sexual violence in conflict and post-conflict related situations.”⁹⁸ As UNMISS officials explained, this can include the Mission partnering with INGOs or local actors to counsel survivors.⁹⁹

Outside of information gathering, other UNMISS community engagement activities also have the potential to result in harm. Dialogue and reconciliation efforts carried out by the Mission’s Civil Affairs Division

with different ethnic communities or between herders and farmers, for instance, are valuable and can reduce tensions and the likelihood of future conflict.¹⁰⁰ But such activities could also exacerbate tensions between communities or endanger participants, if, for example, they are perceived to be biased toward particular communities, if the organizers do not undertake sufficient stakeholder mapping to understand the actors and dynamics contributing to conflict, or if some authorities have an interest in repressing dialogue. UNMISS officials also highlighted the importance of peacekeepers respecting the confidentiality of sources after information is collected—and when it is shared internally and externally—to avoid harm to individuals or fueling tensions.¹⁰¹

III. MAINSTREAMING A “DO NO HARM” APPROACH

“Do no harm” could be strengthened and reinforced in UN peacekeeping missions. Although broad guidance from DPO exists for missions, it is not always contextualized on the ground. However, mandates increasingly require that missions adopt a conflict-sensitive approach and take steps to mitigate harm. Such an approach is critical for reducing unintentional risks to civilians in complex conflict environments.

In South Sudan, there is a growing need for a DNH approach, particularly as UNMISS’s capacity-building role increases. UNMISS should prioritize promoting DNH, including by developing increased DNH guidance and capacity across its civilian, police, and military components.

UNMISS has already developed some tools necessary for effectively applying the DNH principle. Over the last several years, for example, the Mission has strengthened its implementation of the Human Rights Due Diligence Policy (HRDDP), which prohibits UN support to government security forces when there is a substantial risk of beneficiaries committing grave violations of international law. This policy can be a critical tool for reducing the risks associated with support to national actors.¹⁰² There appears to be growing awareness of the HRDDP across the Mission, and UNMISS has implemented a working group with UNDP to coordinate implementation across different UN bodies.¹⁰³ Nonetheless, as



Credit: Ashley McLaughlin/OM 2018

March 14, 2018, Malakal, South Sudan: Civilians gathering in the Malakal Protection of Civilians (POC) site.

discussed in detail below, there are additional adjustments that UNMISS could make to reinforce its application of the HRDDP, including increasing the number of staff dedicated to HRDDP implementation, increasing monitoring after support is given, and ensuring the HRDDP is a strategic—rather than a bureaucratic or purely technical—process.

Beyond the HRDDP, CIVIC identified other initiatives by UNMISS staff to raise awareness of DNH or more systematically incorporate the approach into their work. For instance, officials in both the Civil Affairs Division (CAD) and Human Rights Division (HRD) noted that they had received guidance or training on the implementation of a DNH or conflict-sensitive approach.¹⁰⁴ When discussing the Mission’s induction training for incoming police and military personnel, one civilian official asserted, “The substantive sections do presentations, particularly HRD, which insists on the principle of DNH.”¹⁰⁵ Furthermore, CAD adopted a community engagement strategy that establishes DNH as a guiding principle and includes, as an annex, a DNH checklist that staff

can use to help ensure community activities are done safely.¹⁰⁶ CAD also has templates that aid Civil Affairs Officers in mapping stakeholders and root causes of conflict to promote conflict sensitivity in their activities. In recent years, the UN Office of the High Commissioner for Human Rights has also begun reporting annually on intimidation and reprisals against people who engage with the UN on human rights concerns. In support of this annual reporting, the UNMISS HRD records incidents of reprisals or intimidation against individuals for “real or perceived cooperation” with the Mission and shares these figures with OHCHR for global reporting.¹⁰⁷

Other Mission officials described thinking and planning processes that included elements of conflict sensitivity and DNH when, for example, deciding where to establish a temporary base, engaging communities on a patrol, or interviewing survivors of SGBV.¹⁰⁸ But for other sections beyond CAD and HRD, this thinking appears to be ad hoc and based on the experience and knowledge of particular individuals rather than a systematic part of



November 20, 2021, Juba, South Sudan: UNMISS engineers repair a 155-km main supply route linking South Sudan's capital, Juba, to Yei. The objective was to boost trade and allow communities to convene and have access to necessary services.

planning processes. When the Mission relies on ad hoc efforts and personal experience, elements such as staff rotations, turnover, and inexperience can undermine UNMISS's ability to operationalize a DNH approach.¹⁰⁹ It was clear from CIVIC's conversations with personnel that greater awareness of DNH—and how to operationalize it in the South Sudan context—would be beneficial and welcome.¹¹⁰

UNMISS leadership should undertake efforts to increase awareness and better mainstream DNH

as a concept into Mission guidance, planning, and practice. The guidance that CAD has created on community engagement, including its DNH checklist, could be used by all sections or serve as a model for tailored section- and activity-specific DNH checklists. While personnel are exposed to the DNH concept as part of their broad induction training in-Mission, the leadership of the military and police components—with support from civilian sections—should regularly reinforce and contextualize messaging on mitigating potential harm and conflict sensitivity.

Using the Human Rights Due Diligence Policy (HRDDP) as a Tool to Reduce Risks

The Human Rights Due Diligence Policy (HRDDP)—which all UN actors, including peacekeeping missions and UN agencies, funds, and programs (AFPs), are required to implement—regulates the support that UN bodies provide to national security forces and to civilian officials with authority over national security forces. The HRDDP requires that, before providing support, UN entities assess whether there are “substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law.”¹¹¹ If such a risk exists, the UN must either withhold support or provide support subject to “mitigating measures”—steps taken by either the beneficiary or the UN to limit the risk of the violations.¹¹² For instance, one mitigating measure commonly applied by peacekeeping missions is closely monitoring how support is used.¹¹³ The HRDDP is particularly vital in contexts like South Sudan, where the UN is mandated to provide some level of support to state authorities despite the threat that government forces can pose to civilians.

As UNMISS’s mandate has shifted to include more tasks focused on technical support of the South Sudanese government, the Mission has invested effort in building up the tools needed for HRDDP implementation. These steps include establishing a database to track allegations of violations of international law by national security forces and drafting a standard operating procedure (SOP) on HRDDP implementation.¹¹⁴ The Mission has also chosen to broadly interpret the types of support that require application of the HRDDP. In recent years, the number of cases that have undergone HRDDP review has increased, likely as a result of the Mission’s broad application of the policy and evolving mandate.¹¹⁵

But the HRDDP remains an area in which UNMISS can continue to improve. In conversations with CIVIC, UNMISS personnel outlined several areas where the Mission’s HRDDP application could be strengthened. First, UNMISS has little capacity dedicated to HRDDP implementation. Only two HRD officers in the Mission are tasked with managing the process, both of whom have other

responsibilities in addition to leading the HRDDP process.¹¹⁶ By contrast, some other Missions have dedicated units for implementing the HRDDP.¹¹⁷ One field-based UNMISS official stressed the impact that this capacity constraint has on the speed of the process, asserting that HRDDP officials required ten days to approve requests, which compromised the Mission’s effectiveness.¹¹⁸ UNMISS has asserted that the Mission plans to increase the Mission’s HRDDP capacity, including through the recruitment of two additional staff.¹¹⁹

Secondly, the Mission could improve efforts to monitor how support is used once it has been provided, including by monitoring the implementation of mitigating measures. Monitoring is central to the HRDDP implementation. If UNMISS constructs police stations, for example, the Mission must ensure that structures are not being used for torture or other human rights violations. But while approval of support requests includes monitoring requirements, monitoring remains a weak point. A 2020 Office of Internal Oversight Services (OIOS) audit found, for example, that in 35 of 38 instances in which UNMISS provided support to South Sudanese security forces—including the construction of police stations and detention facilities—there was “no subsequent follow-up...on beneficiaries’ compliance with the required conditions.”¹²⁰ In conversations with CIVIC, several UNMISS officials similarly suggested that increased consistency in monitoring would help UNMISS reduce the risk that support unintentionally leads to harm.¹²¹

Thirdly, stakeholders observed that the Mission rarely rejects requests for support through the HRDDP process.¹²² This is likely due, in part, to the fact that the process is viewed primarily as a technical safeguard that is initiated after preparations for support are already underway rather than as a strategic decision-making process. Utilizing the HRDDP as more of a strategic, decision-making process—or implementing the policy alongside other systematic and strategic decision-making processes—can ensure that the HRDDP is a meaningful check on potential harm rather than a box-ticking exercise.¹²³

IV. CONCLUSION

South Sudan is at a precarious juncture. Implementation of many areas of the peace agreement has stalled, and tensions remain high between the parties to the conflict and their respective military forces. Moreover, civilians face continued human rights abuses at the hands of non-state and state actors, political elites continue to manipulate and fuel sub-national conflict, and the country is scheduled to hold presidential elections in 2023. In this context, it is vital that international actors adopt a “do no harm” approach and take steps to mitigate the risks that their activities could negatively affect civilians. But while the concept of DNH is well developed in the humanitarian field, it is less present in UN peacekeeping policy and practice—at present, missions often lack clear, context-specific guidance to effectively and fully adopt a DNH approach. Missions should urgently embrace this approach in their work and continue to develop policies and practices that operationalize DNH in their contexts.

UNMISS has begun this process—some Mission officials and sections have offered trainings to their staff on the concept, incorporated it into section guidance, and promoted DNH thinking. But the Mission should take additional steps to effectively mainstream DNH across its military, police, and civilian components. As observed in the 2020 Independent Strategic Review of UNMISS, “The credibility of UNMISS, and the United Nations more broadly, requires a ‘do no harm’ approach.”¹²⁴ This need will only grow if the UNSC continues to increase UNMISS’s capacity-building role and as the country moves toward planned elections. Without a systematic approach on how to meaningfully apply DNH, the Mission risks endangering the very civilians it is mandated to protect.

Without a systematic approach on how to meaningfully apply “do no harm,” the Mission risks endangering the very civilians it is mandated to protect.

Cover Image:

April 28, 2021, Terekeka, Central Equatoria, South Sudan: The UNMISS Force Commander visited Terekeka to better understand the security situation in the area. UNMISS peacekeepers established a temporary base in response to outbreaks of violence.

Credit: Gregorio Cunha/UNMISS

1. Sam Mednick, "Old Grudges and Empty Coffers: South Sudan's Precarious Peace Process," *The New Humanitarian*, January 21, 2021, <https://www.thenewhumanitarian.org/news-feature/2021/01/21/south-sudan-peace-deal-violence-famine>.
2. "Hunger Hotspots FAO-WFP early warnings on acute food insecurity, February to May 2022 Outlook," Food and Agricultural Organization of the United Nations and World Food Program, 12, https://docs.wfp.org/api/documents/WFP-0000136243/download/?_ga=2.7181627.867905632.1644603139-2025446826.1644603139.
3. "UN condemns 'horrific' surge of violence in South Sudan," *UN News*, April 25, 2022, <https://news.un.org/en/story/2022/04/1116862>; United Nations Security Council (UNSC), *Situation in South Sudan: Report of the Secretary-General*, UN Doc. S/RES/2022/468 (2022), June 9, 2022, para 17.
4. "Machar's SPLM/A-IO suspends participation in joint security bodies," *Radio Tamazuj*, March 23, 2022, <https://radiotamazuj.org/en/news/article/machars-splm-a-io-suspends-participation-in-security-mechanisms>. It should be noted that the South Sudanese opposition threatened to withdraw from joint security mechanisms, although they ultimately rescinded this threat. "SPLM/A-IO rescinds withdrawal from joint security bodies order," *Radio Tamazuj*, April 3, 2022, <https://radiotamazuj.org/en/news/article/splm-a-io-rescinds-decision-to-withdraw-from-joint-security-bodies>.
5. "South Sudan: Survivors describe killings, mass displacement and terror amid fighting in Western Equatoria," *Amnesty International*, December 9, 2021, <https://www.amnesty.org/en/latest/news/2021/12/south-sudan-survivors-describe-killings-mass-displacement-and-terror-amid-fighting-in-western-equatoria/>. It should additionally be noted that the Independent Strategic Review of UNMISS observed in December 2020 that "while violence directly attributable to the parties to the civil war has ebbed, intercommunal violence has risen sharply over the past year and, in many cases, has been fueled directly by national political actors." See United Nations Secretary-General, *Report on the independent strategic review of the United Nations Mission in South Sudan*, UN Doc. S/2020/1224 (2020), December 15, 2020, para 25.
6. UN Security Council Resolution 2625, UN Doc. S/RES/2625 (2022), para 3.
7. UN Department of Peace Operations (DPO), *The Protection of Civilians in United Nations Peacekeeping Handbook*, 2020, section 4.1.4.

The relationship between DNH and CHM is not yet clearly defined in UN policy. It is possible to conceptualize CHM and DNH as overlapping concepts which may require different tools for implementation. Alternatively, CHM could be understood as a more specific subset of DNH which is most relevant for military and police operations. DPO specifically asserts, for instance, that, "when carrying out any military and/or police operations UN peacekeeping operations must take steps to protect civilians and mitigate potential harm to civilians which might arise from those operations, before, during or after."

DNH and CHM—and the relationship between them—are discussed further in this policy brief, specifically in the textbox entitled "Do No Harm": A Brief Overview."
8. The Human Rights Due Diligence Policy (HRDDP) is a UN policy that regulates the support that UN bodies provide to national security forces and civilian officials with authority over national security forces. All UN actors—including peacekeeping missions and UN agencies, funds, and programs (AFPs)—are required to implement the policy. The HRDDP is discussed in detail below. In addition, see *Enabling Support While Mitigating Risk: MONUSCO's Implementation of the Human Rights Due Diligence Policy*, CIVIC, June 2020.
9. DPO, *The Protection of Civilians in United Nations Peacekeeping Policy*, November 1, 2019, paras. 35, 81. Per section 10.2, the DPO's 2020 POC Handbook provides further guidance on DNH, including analysis of the different types of direct and indirect harm missions can cause and the specific risk mitigation steps they can take.
10. For example, as noted in footnote 11, the principle of "Do No Harm" in medical ethics dates back to the Hippocratic oath.
11. Though the modern concept of "Do No Harm" dates to the early 1990s, the roots of DNH can be traced back to medical practice and the Hippocratic Oath. F3E, *Incorporating the principle of "Do No Harm": How to take action without causing harm: Reflections on a review of Humanity & Inclusion's practices*, Humanitarian & Inclusion, 2018, 2. Mary B. Anderson, author of the 1999 book, *Do No Harm: How Aid Can Support Peace – Or War*, is frequently credited with formalizing or developing the concept. See: World Vision, "Do No Harm," <https://www.wvi.org/peacebuilding-and-conflict-sensitivity/do-no-harm>; CDA Collaborative Learning Projects, "Conflict-Sensitivity and Do No Harm," <https://cdacollaborative.org/what-we-do/conflict-sensitivity/>; F3E, *Incorporating the principle of "Do No Harm"*, 5.
12. F3E, *Incorporating the principle of "Do No Harm"*, 0.
13. Inter-Agency Standing Committee, *Introduction to Humanitarian Action: A Brief Guide for Resident Coordinators*, October 2015, 26. The Conflict Sensitivity Hub's particularly detailed definition underscores the stakes of effective DNH: "Aid—and how it is administered—can cause harm or can strengthen capacities for peace in the midst of conflict-affected communities. All aid programs involve the transfer of resources ... into a resource-scarce environment. Where people are in conflict, these resources represent power and wealth, and they become an element of the conflict. Some people attempt to control and use aid resources to support their side of the conflict and/or to weaken the other side. If they are successful or if aid staff fails to recognize the impact of their programming decisions, aid can cause harm." *Conflict Sensitivity*, Conflict Sensitivity Community Hub, <https://www.conflictsensitivityhub.net/index.php/conflict-sensitivity/>.
14. "Do No Harm: A Brief Introduction from CDA," CDA Collaborative, <https://www.cdacollaborative.org/wp-content/uploads/2018/01/Do-No-Harm-A-Brief-Introduction-from-CDA.pdf>.
15. Ibid.
16. "Conflict-Sensitive Approaches to Development, Humanitarian Assistance and Peacebuilding," Saferworld, <https://www.saferworld.org.uk/resources/publications/148-conflict-sensitive-approaches-to-development-humanitarian-assistance-and-peacebuilding>.
17. F3E, *Incorporating the principle of "Do No Harm"*, 24.
18. "Do No Harm: A Brief Introduction from CDA," CDA Collaborative, <https://www.cdacollaborative.org/wp-content/uploads/2018/01/Do-No-Harm-A-Brief-Introduction-from-CDA.pdf>.
19. F3E, *Incorporating the principle of "Do No Harm"*, 5.
20. DPO, *The Protection of Civilians in United Nations Peacekeeping Handbook*, 2020, section 4.1.4.
21. DPO, *The Protection of Civilians in United Nations Peacekeeping Policy*, November 1, 2019, para 59.
22. "NATO recognizes that all feasible measures must be taken to avoid, minimize and mitigate harm to civilians." NATO, *NATO Policy for the Protection of Civilians*, para 7, July 9, 2016; "Official Launch of the Civilian Casualties Identification, Tracking and Analysis Cell for G5 Sahel Joint Force Operations," *CIVIC Blog*, March 8, 2021, <https://civiliansinconflict.org/blog/sahel-misad-launch/>; Sahr Muhammedally, "Minimizing civilian harm in populated areas: Lessons from examining ISAF and AMISOM policies," *International Review of the Red Cross*, 2016.
23. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), arts. 51, 52, and 57, June 8, 1977.
24. For example, see "Civil Society Guidance for a Model DoD Policy on Civilian Harm," CIVIC, March 12, 2020, <https://civiliansinconflict.org/blog/civil-society-guidance-for-a-model-dod-policy-on-civilian-harm/>.
25. UN Security Council Resolution 2459, UN Doc. S/RES/2458 (2019), para 7(d)(i).
26. Sam Mednick, "UN pullout triggers safety concerns in South Sudan displacement camps," *The New Humanitarian*, May 18, 2021, <https://www.thenewhumanitarian.org/news-feature/2021/18/5/un-pullout-triggers-security-concerns-in-south-sudan-displacement-camps>.

UNMISS has asserted that the redesignation of the POC sites has allowed the Mission to increase its mobility and engage in direct protection efforts in other areas beyond the former POC sites. "UNMISS Refocuses Peacekeeping Approach to be Fit-For-Purpose in South Sudan," *United Nations Mission in South Sudan*, March 3, 2021, <https://unmiss.unmissions.org/unmiss-refocuses-peacekeeping-approach-be-fit-purpose-south-sudan>.

27. UN Security Council Resolution 2459, UN Doc. S/RES/2458 (2019), para 3(a)(viii).
28. United Nations Secretary-General, *Report on the independent strategic review of the United Nations Mission in South Sudan*, paras. 179–182.
29. Joshua Craze, “How South Sudan’s peace process became a motor for violence,” *The New Humanitarian*, February 3, 2022, <https://www.thenewhumanitarian.org/analysis/2022/2/3/how-south-sudan-peace-process-became-violence>; “South Sudan’s Splintered Opposition: Preventing More Conflict,” *International Crisis Group*, February 25, 2022, <https://www.crisisgroup.org/africa/horn-africa/south-sudan/b179-south-sudans-splintered-opposition-preventing-more-conflict>; UNSC, *Situation in South Sudan: Report of the Secretary-General*, UN Doc. S/2021/784, September 9, 2021, paras. 20, 71; Human Rights Council, *Report of the Commission on Human Rights in South Sudan*, UN Doc. A/HRC/46/53, February 4, 2021; Daniel P. Sullivan, “Do Not Forget: Aiding and Protecting Civilians in South Sudan,” *Refugees International*, January 2022; Human Rights Council, *Report of the Commission on Human Rights in South Sudan*, UN Doc. A/HRC/49/78, paras. 17, 19.
30. These mandated tasks also include supporting government officials in implementing the R-ARCSS (UNSC, Resolution 2625, para. 3(c)), facilitating community violence reduction programs (para. 3(a)(vi)), undertaking protection-focused activities in the context of population returns (para. 3(a)(viii)), and monitoring violations of international humanitarian and human rights law (para. 3(d)(iv)). The Mission’s protection activities include supporting the state to reduce sexual and gender-based violence (SGBV) and conflict-related sexual violence (CRSV).
31. UNSC, Resolution 2625, para. 3(a)(vii).
32. In correspondence with CIVIC, UNMISS asserted that the Mission’s support is particularly critical given that support from other external actors remains quite limited. UNMISS correspondence with CIVIC, May 2022.
33. CIVIC interview with civilian, #60, Malakal, October 2021; CIVIC interview with civilian, #58, Malakal, October 2021; CIVIC interview with humanitarian, #130, location undisclosed, October 2021; CIVIC interview with humanitarian, #38, Malakal, October 2021; Lauren Spink, “In South Sudan, Keep UN Peacekeepers Focused on Evolving Risks for Civilians,” *Just Security*, December 17, 2021, <https://www.justsecurity.org/79585/in-south-sudan-keep-un-peacekeepers-focused-on-evolving-risks-for-civilians/>.
34. Reconstituted Joint Monitoring and Evaluation Commission (RJMEC), *Report on the Status of the Implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan* (covering the period from July 1, 2021 to September 30, 2021), October 20, 2021.
35. “Unified Command to Set Timetable for Graduation of Forces,” *Radio Tamazuj*, April 14, 2022, <https://radiotamazuj.org/en/news/article/unified-command-to-set-timetable-for-graduation-of-forces>.
36. During CIVIC’s field research, the JPF had 88 officers. UNMISS has since clarified that, as of the time of this writing, the number has increased to 130. UNMISS correspondence with CIVIC, May 2022.
37. UNMISS correspondence with CIVIC, May 2022; “What Crime Was I Paying For? Abuses by South Sudan’s National Security Service,” Human Rights Watch, December 14, 2022, <https://www.hrw.org/report/2020/12/14/what-crime-was-i-paying/abuses-south-sudans-national-security-service>.
38. In correspondence with CIVIC, UNMISS underscored the following point: “The absence of adequate safeguards is especially pertinent as long as the reforms of the South Sudanese security legislation is pending, including the Police Service Act, 2009, the National Security Service Act, 2009, and the Prison Service Act, 2011, as required by R-ARCSS section 118.1.2. Furthermore, the proposed amendments to these laws fail to establish clear separation of labor as outlined in the Transitional Constitution, 2011, and to adhere to international standards of due process.” UNMISS correspondence with CIVIC, May 2022.
39. Dan Watson, “Surface Tensions: ‘Communal Violence’ and Elite Ambitions in South Sudan,” ACLED, August 9, 2019; “Three new police facilities handed over by UNMISS received joyously by local policing counterparts,” *United Nations Peacekeeping*, October 4, 2021, <https://peacekeeping.un.org/en/three-new-police-facilities-handed-over-unmiss-received-joyously-local-policing-counterparts>.
40. United Nations Secretary-General, *Report on the independent strategic review of the United Nations Mission in South Sudan*, December 15, 2020, para. 34.
41. Lauren Spink and Daniel Levine-Spound, “They said it’s your government to protect you. We said it was the government that killed us’: Civilian Perspectives on the Future of UNMISS,” CIVIC, February 19, 2021, <https://civiliansinconflict.org/blog/civilian-perspectives-on-the-future-of-unmiss/>.
42. CIVIC interview with civilian, #55, Bentiu, October 2021; CIVIC interview with civilian, #56, Malakal, October 2021; CIVIC interview with civilian, #57, Malakal, October 2021; CIVIC interview with civilian, #58, Malakal, October 2021; CIVIC interview with civilian, #68, Malakal, October 2021; CIVIC interview with civilian, #59, Malakal, October 2021.
43. CIVIC interview with civilian, #57, Malakal, October 2021.
44. CIVIC interview with civilian, #64, Malakal, October 2021.
45. CIVIC interview with humanitarian, #130, location undisclosed, October 2021. In correspondence with CIVIC, UNMISS officials asserted that the Mission had taken significant steps to reduce the risks related to the provision of support to the SSNPS in Malakal. These include:
 - Efforts by the Mission to push the SSNPS to diversify their ranks, including encouraging the SSNPS to recruit from different ethnic communities and from the POC site;
 - Tracking 16 senior officers within the SSNPS, including their origin, rank, place of deployment, and human rights record;
 - Training officers on human rights, gender-based violence, protection of civilians and other topics.
46. UNMISS correspondence with CIVIC, May 2022.
47. United Nations Secretary-General, *Report on the independent strategic review of the United Nations Mission in South Sudan*, UN Doc. S/2020/1224 (2020), December 15, 2020, para. 191.
48. Ibid. In correspondence with CIVIC, UNMISS asserted that the Mission “continues to advocate with the Government on the need to ethnically diversify SSNPS in and around Malakal. To this end, the Governor has brought SSNPS officers from the 13 Counties. UNPOL capacity building of SSNPS in Malakal has thus intensified since the start of the arrival of the officers from the 13 Counties. In total, 69 SSNPS were brought to Malakal from different counties.” UNMISS correspondence with CIVIC, May 2022.
49. UNSC, Report of the Secretary-General: Situation in South Sudan, UN Doc. S/2021/566, June 14, 2021. For more information on the POC sites, see Lauren Spink, “In South Sudan, Keep UN Peacekeepers Focused on Evolving Risks for Civilians,” *Just Security*, December 17, 2021. As observed in the article, “The sites were created when, eight years ago this month, South Sudan descended into a violent civil war, and hundreds of thousands of civilians across the country fled to UNMISS bases to escape ethnic and politically motivated killings. For years afterward, civilians resided in the sites, which served as a refuge while repeated attempts to broker peace in the country faltered. At their peak, the sites held more than 200,000 civilians, and before the start of redesignations in October 2020, more than 165,000 individuals were still living in the sites.”
50. CIVIC interview with humanitarian, #89, Bentiu, October 2021; CIVIC interview with UNMISS police official, #90, Bentiu, October 2021; CIVIC interview with UNMISS civilian official, #92, Bentiu, October 2021; CIVIC interview with humanitarian, #93, Bentiu, October 2021; CIVIC interview with humanitarian, #95, Bentiu, October 2021; CIVIC interview with humanitarian, #95, Bentiu, October 2021; CIVIC interview with UNMISS civilian official, #103, Bentiu, October 2021; CIVIC interview with UNMISS civilian official, #109, Bentiu, October 2021; CIVIC interview with civilian, #113, Bentiu, October 2021; CIVIC interview with civilian, #114, Bentiu, October 2021.
51. CIVIC interview with humanitarian, #9, Juba, September 2021; CIVIC interview with humanitarian, #96, Bentiu, October 2021; CIVIC interview with humanitarian, #97, Bentiu, October 2021; CIVIC interview with humanitarian, #98, Bentiu, October 2021; CIVIC interview with humanitarian, #99, Bentiu, October 2021; CIVIC interview with civilian, #100, Bentiu, October 2021; CIVIC interview with humanitarian, #110, Bentiu, October 2021; CIVIC interview with civilian, #114, Bentiu, October 2021; CIVIC interview with civilian, #115, Bentiu, October 2021. In correspondence with CIVIC, UNMISS asserted that certain allegations against the JPF have proven to be false. CIVIC could not independently verify the validity of specific allegations, but it did observe that accusations against the JPF were widespread. UNMISS correspondence with CIVIC, May 2022.
52. CIVIC interview with civilian, #115, Bentiu, October 2021.

53. CIVIC interview with civilian, #113, Bentiu, October 2021.
54. CIVIC interview with humanitarian, #110, Bentiu, October 2021; CIVIC interview with civilian, #114, Bentiu, October 2021; CIVIC interview with civilian, #116, Bentiu, October 2021.
55. CIVIC interview with humanitarian, #110, Bentiu, October 2021.
56. CIVIC interview with humanitarian, #9, Juba, September 2021; CIVIC interview with humanitarian, #18, Juba, September 2021; CIVIC interview with civilian, #100, Bentiu, October 2021; CIVIC interview with civilian, #101, Bentiu, October 2021; CIVIC interview with humanitarian, #110, Bentiu, October 2021; CIVIC interview with humanitarian, #111, Bentiu, October 2021; CIVIC interview with civilian, #112, Bentiu, October 2021.
57. CIVIC interview with civilian, #57, Malakal, October 2021; CIVIC interview with civilian, #58, Malakal, October 2021; CIVIC interview with civilian, #68, Malakal, October 2021; CIVIC interview with civilian, #67, Malakal, October 2021; CIVIC interview with humanitarian, #87, Juba, October 2021; CIVIC interview with civilian, #123, Bentiu, October 2021; CIVIC interview with humanitarian, #110, Bentiu, October 2021.
58. In correspondence with CIVIC, UNMISS asserted, "UNPOL is co-locating [with JPF] on daily basis and human rights and protection cluster representatives are providing human rights training on regular basis. Many IDPs come to [UNMISS], including the IDP leaderships, requesting to give JPF mobility support i.e. vehicles, boats, torch lights, rainboots etc. so they can patrol the camp/ neighborhood and catch criminals effectively." UNMISS correspondence with CIVIC, May 2022.
59. UNMISS correspondence with CIVIC, May 2022.
60. CIVIC interview with UNMISS civilian official, #103, Bentiu, October 2021; CIVIC interview with humanitarian, #87, Juba, October 2021; CIVIC interview with UNMISS police official, #83, Juba, October 2021; CIVIC interview with UNMISS police official, #69, Juba, October 2021; CIVIC interview with UNMISS civilian official, #76, Juba, October 2021; CIVIC interview with humanitarian, #80, Juba, October 2021. In correspondence with CIVIC, UNMISS officials also asserted that the Mission is supporting governmental oversight mechanisms, including the South Sudan Anti-Corruption Commission, the National Audit Chamber, and the South Sudan Information Commission. UNMISS correspondence with CIVIC, May 2022.
61. United Nations Secretary-General, *Report on the independent strategic review of the United Nations Mission in South Sudan*, December 15, 2020, para. 120.
62. In correspondence with CIVIC, UNMISS noted that while the Mission is "taking a comprehensive approach" toward supporting the justice chain, UNMISS has had to be selective in terms of its areas of engagement. UNMISS correspondence with CIVIC, May 2022.
63. Jessica Piccinni, "Five-Year Plan to Rehabilitate National Prison System Announced at Conference," *UNMISS*, December 5, 2019, <https://unmiss.unmissions.org/five-year-plan-rehabilitate-national-prison-system-announced-conference>; "South Sudan: Arbitrary Detentions, Dire Prison Conditions," Human Rights Watch, June 12, 2021; UNICEF, "UNICEF Welcomes then Release of 85 Children from Prison in South Sudan," May 7, 2020, <https://www.unicef.org/southsudan/press-releases/unicef-welcomes-release-85-children-detention-south-sudan>.
64. CIVIC interview with UNMISS civilian official, #76, Juba, October 2021; CIVIC interview with civilian, #100, Bentiu, October 2021. UNMISS asserted that it is currently monitoring detention capacities and is supporting efforts to prevent the detention of women and children alongside other detainees. UNMISS correspondence with CIVIC, May 2022.
65. *Protection through Dialogue: How UNMISS is Linking Local Engagement with a National Peace Process in South Sudan*, CIVIC, June 2020. In correspondence with CIVIC, UNMISS noted that, in 2021 and 2022, it has "assisted 16 nationally constituted and led mobile and special courts, both civilian and military." UNMISS correspondence with CIVIC, May 2022.
66. United Nations General Assembly, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, UN. Doc. A/RES/40/34, November 29, 1985.
67. UNMISS correspondence with CIVIC, May 2022.
68. UNMISS correspondence with CIVIC, May 2022; CIVIC interview with humanitarian, #87, Juba, October 2021.
69. CIVIC interview with humanitarian, #79, Juba, October 2021.
70. UNSC, Resolution 2625, March 15, 2022, para. 3(a)(viii).
71. UNHCR, "South Sudan Refugee Crisis," <https://www.unrefugees.org/emergencies/south-sudan/>; IOM, "Displacement Tracking Matrix: South Sudan," <https://dtm.iom.int/south-sudan>.
72. "A durable solution [for IDPs] can be achieved through: Sustainable reintegration at the place of origin (return); Sustainable local integration in areas where internally displaced persons take refuge (local integration); Sustainable integration in another part of the country (settlement elsewhere in the country)." Norwegian Refugee Council, "Durable Solutions for Internally Displace People: In a Nutshell," November 2019, 2, https://www.nrc.no/globalassets/pdf/briefing-notes/durable-solutions-for-internally-displaced-people/durable-solutions_briefer_eng.pdf.
73. For more information on durable solutions in South Sudan, see Elysia Buchanan, *No Simple Solutions: Women, Displacement, and Durable Solutions in South Sudan*, Oxfam International et al., September 2019.
74. CIVIC interview with humanitarian, #20, Juba, September 2021; CIVIC interview with humanitarian, #27, Malakal, September 2021; CIVIC interview with UNMISS civilian official, #35, Malakal, September 2021; CIVIC interview with humanitarian, #43, Malakal, September 2021; CIVIC interview with humanitarian, #99, Bentiu, October 2021; Daniel P. Sullivan, "No Confidence: Displaced South Sudanese Await 'Real Peace,'" *Refugees International*, October 2019. In correspondence with CIVIC, UNMISS asserted, "Sometimes - and on a willing and voluntary basis - UNMISS has provided logistical support to those IDPs who wish to visit their areas of origin for them to assess the situation on the ground on their own in terms of security and availability of services." UNMISS correspondence with CIVIC, May 2022.
75. For more information on land disputes and land rights, see: Daniel Deng, *Land, Conflict and Displacement in South Sudan: A Conflict-Sensitive Approach to Land Governance*, Conflict Sensitivity Resource Facility, November 21, 2021; "Housing, Land and Property, Aid and Conflict in South Sudan," Conflict Sensitivity Resource Facility, September 2018.
76. As Joshua Craze states, "Population Engineering...would reflect a long history of displacement being used as a tool of war in South Sudan. Military forces in the country have often prevented people from returning to the lands from which they fled, and then brought in more pliable populations in their place...Government manipulation of returns is a looming problem for the humanitarian sector, whose assistance has long been used as a tool of war by the country's various belligerent parties." See Joshua Craze, "Why the Return of Displaced People is Such a Thorny Issue in South Sudan," *The New Humanitarian*, January 5, 2021, <https://www.thenewhumanitarian.org/analysis/2022/1/5/why-return-displaced-people-thorny-issue-south-sudan>. See, also, Daniel P. Sullivan, "No Confidence: Displaced South Sudanese Await 'Real Peace'" *Refugees International*, October 2019.
77. Lauren Spink, "In Light of Unpredictable Security Situation in South Sudan, the Security Council Wisely Opts for Limited Changes to UNMISS's Mandate," *CIVIC Blog*, March 26, 2020, <https://civiliansinconflict.org/blog/unmiss-mandate-renewal-2020/>.
78. For more information on voluntary and informed returns, see UNHCR, *Handbook for the Protection of Internally Displaced Persons*, <https://www.unhcr.org/en-us/protection/idps/4c2355229/handbook-protection-internally-displaced-persons.html>.
79. CIVIC interview with civilian, #99, Bentiu, October 2021; CIVIC interview with humanitarian, #98, Bentiu, October 2021; CIVIC interview with humanitarian, #80, Juba, October 2021; CIVIC interview with humanitarian, #75, Juba, October 2021; CIVIC interview with humanitarian, #37, Malakal, October 2021; CIVIC interview with South Sudan expert, #26, Juba, September 2021.
80. Craze, "Why the Return of Displaced People is Such a Thorny Issue in South Sudan," *The New Humanitarian*.
81. CIVIC interview with humanitarian, #37, Malakal, October 2021; CIVIC interview with humanitarian, #38, Malakal, October 2021; CIVIC interview with humanitarian, #98, Bentiu, October 2021.

82. CIVIC interview with humanitarian, #37, Malakal, October 2021; CIVIC interview with humanitarian, #38, Malakal, October 2021; CIVIC interview with humanitarian, #98, Bentiu, October 2021.
83. CIVIC Interview with humanitarian, #25, Juba, September 2021; CIVIC interview with humanitarian, #37, Malakal, October 2021; CIVIC interview with humanitarian, #75, Juba, October 2021; CIVIC interview with humanitarian, #98, Bentiu, October 2021; CIVIC interview with humanitarian, #99, Bentiu, October 2021.
84. CIVIC interview with humanitarian, #80, Juba, October 2021.
85. *Conflict Sensitivity Analysis: United Nations Mission in South Sudan (UNMISS) Protection of Civilian (PoC) Sites Transition: Bentiu, Unity State, and Malakal, Upper Nile State*, Conflict Sensitivity Resource Facility, March 2021, 3.
86. *Ibid.*, 4.
87. CIVIC interview with humanitarian, #75, Juba, October 2021; CIVIC interview with humanitarian, #37, Malakal, October 2021; CIVIC interview with humanitarian, #45, Malakal, September 2021.
88. "Statement by the Special Representative of the Secretary-General Mr. Nicholas Haysom to the United Nations Security Council," UNMISS, December 16, 2021, <https://unmiss.unmissions.org/statement-special-representative-secretary-general-mr-nicholas-haysom-united-nations-security>. UNMISS officials asserted that HLP issues are not particular to Malakal and are unlikely to be resolved in the near future. They questioned whether the resolution of HLP issues should be a relevant criterion for determining whether or not a POC site should be redesignated. UNMISS correspondence with CIVIC, May 2022.
89. David Shearer, "Statement of the Special Representative of the Secretary-General David Shearer Briefing to the Security Council on the Situation in South Sudan 15 December 2020," December 15, 2020, <https://peacekeeping.un.org/en/statement-of-special-representative-of-secretary-general-david-shearer-briefing-to-security-council>.
90. *Conflict Sensitivity: Saferworld's Approach*, Saferworld, <https://www.saferworld.org.uk/resources/publications/914-conflict-sensitivity-saferworlds-approach>.
91. *Report of the High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people* (HIPPO Report), UN A/70/95, S/2015/446 (June 17, 2015), para. 255, 256, Summary; Harley Henigson, *Community Engagement in UN Peacekeeping Operations: A People-Centered Approach to Protecting Civilians*, IPI, November 2020.
92. DPO, *The Protection of Civilians in United Nations Peacekeeping Handbook*, 2020, section 11.4.4.
93. It should be noted that the UN Policy on preventing and responding to conflict-related sexual violence in field missions states the following: "In all circumstances and at all times, mission personnel and all those working on CRSV, have an obligation not to jeopardise or further jeopardise the life, physical and psychological safety, freedom and well-being of victims/survivors of CRSV or others whenever they enter into contact with them in the framework of their work. In all interactions with victims/survivors of CRSV, United Nations personnel should be aware of the potential risk of further harm to victims/survivors, including retraumatisation, stigma, violence and marginalisation at the hands of alleged perpetrators or their own families and communities." DPO, *United Nations Field Missions: Preventing and responding to Conflict-Related Sexual Violence*, January 1, 2020, para. 16(i).
94. As CIVIC has noted in the past, information-sharing on CRSV among international actors must be done in a way that upholds survivors' rights. It is a complicated undertaking that can be undermined by mistrust, incomplete understanding of available guidance on this issue, and lack of coordination between international actors. "We Have to Break the Silence Somehow": *Preventing Conflict-Related Sexual Violence through UN Peacekeeping*, CIVIC, October 2020, 21.
95. CIVIC interview with UNMISS civilian official, #31, Malakal, September 2021; CIVIC interview with UNMISS civilian official, #39, Malakal, September 2021; CIVIC interview with UNMISS civilian official, #12, Juba, September 2021.
96. For more information, see "We Have to Break the Silence Somehow": *Preventing Conflict-Related Sexual Violence through UN Peacekeeping*, CIVIC, October 2020, 2 1–24.
97. Eseoshe Ojo, Ravina Anand, and Israa Nouredine, "How Can a Survivor-Centered Approach Address Sexual Violence?" *Open Global Rights*, February 1, 2021, <https://www.openglobalrights.org/how-can-a-survivor-centered-approach-address-sexual-violence/>; UNSC, Resolution 2467, UN Doc. S/RES/2467 (2019), April 23, 2019, para. 16.
98. UNSC, Resolution 2625, March 15, 2022, para. 15.
99. UNMISS correspondence with CIVIC, May 2022.
100. For more information on different types of dialogues organized by UNMISS, see *Let Us be a Part of It: Community Engagement by the UN Peacekeeping Mission in South Sudan*, CIVIC, December 2019.
101. UNMISS correspondence with CIVIC, May 2022.
102. United Nations Secretary-General, "Human rights due diligence policy on United Nations support to non-United Nations security forces," UN Doc. A/67/775, S/2013/110 (March 5, 2013), para. 1.
103. CIVIC interview with UNMISS civilian official, #2, Juba, September 2021; CIVIC interview with UNMISS civilian official, #12, Juba, September 2021; CIVIC interview with UNMISS civilian official, #19, Juba, September 2021; CIVIC interview with UNMISS civilian official, #31, Malakal, September 2021; CIVIC interview with UNMISS civilian official, #34, Malakal, September 2021; CIVIC interview with humanitarian, #79, Juba, October 2021; CIVIC interview with UNMISS military official, #131, Juba, October 2021.
104. CIVIC interview with UNMISS civilian official, #2, Juba, September 2021; CIVIC interview with humanitarian, #21, Juba, September 2021; CIVIC interview with UNMISS civilian official, #133, location undisclosed, November 2021.
105. CIVIC interview with UNMISS civilian official, #133, location undisclosed, November 2021. In correspondence with CIVIC, UNMISS noted that induction training is also obligatory for civilian staff. UNMISS correspondence with CIVIC, May 2022.
106. While CIVIC's interviews in 2021 did not focus on CAD's checklist or community engagement strategy, UNMISS officials have regularly discussed both of these elements with CIVIC researchers over the past several years.
107. Human Rights Council, *Report of the Commission on Human Rights in South Sudan*, UN Doc. A/HRC/48/28, December 1, 2021, para 94.
108. CIVIC interview with humanitarian, #47, Malakal, October 2021; CIVIC interview with humanitarian, #10, Juba, September 2021; CIVIC interview with humanitarian, #9, Juba, September 2021; CIVIC interview with humanitarian, #36, Malakal, September, 2021; CIVIC interview with UNMISS civilian official, #39, Malakal, September 2021; CIVIC interview with UNMISS civilian official, #129, location undisclosed, October 2021; CIVIC interview with UNMISS military official, #105, Juba, October 2021.
109. CIVIC interview with humanitarian, #9, Juba, September 2021; CIVIC interview with humanitarian, #10, Juba, September 2021; CIVIC interview with UNMISS civilian official, #14, Malakal, September 2021; CIVIC interview with UNMISS military official, #30, Malakal, September 2021.
110. CIVIC interview with UNMISS military official, #29, Malakal, October 2021; CIVIC interview with UNMISS civilian official, #19, Juba, September 2021; CIVIC interview with UNMISS civilian official, #39, Malakal, September 2021; CIVIC interview with UNMISS civilian official, #70, Juba, October 2021; CIVIC interview with UNMISS civilian official, #129, location undisclosed, October 2021; CIVIC interview with UNMISS civilian official, #14, Malakal, September 2021.
111. United Nations Secretary-General, "Human rights due diligence policy on United Nations support to non-United Nations security forces," UN Doc. A/67/775, S/2013/110 (March 5, 2013), para. 1.
112. "Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces: Guidance Note and text of the Policy," 2015, 25.
113. *Enabling Support While Mitigating Risk: MONUSCO's Implementation of the Human Rights Due Diligence Policy*, CIVIC, June 2020.

114. CIVIC interview with UNMISS civilian official, #13, Juba, September 2021; CIVIC interview with UNMISS civilian official, #31, Malakal, September 2021; CIVIC interview with UNMISS civilian official, #133, location undisclosed, November 2021; CIVIC interview with humanitarian, #79, Juba, October 2021. Although the development of the HRDDP SOP is a positive step, it should be noted that the SOP requires a technical risk assessment analyzing the risks of providing—or not providing—support in a particular instance. The SOP does not mandate, for example, broader conflict analysis or analysis of whether UN support is provided in a conflict-sensitive way. UNMISS, *SOP: Implementation of the United Nations Human Rights Due Diligence Policy (HRDDP) on Support to Non-UN Security Forces by the UN in South Sudan*, Ref UNMISS 2021.21, June 8, 2021.
115. CIVIC interview with UNMISS civilian official, #133, location undisclosed, November 2021; CIVIC interview with UNMISS civilian official, #76, Juba, October 2021; CIVIC interview with UNMISS civilian official, #31, Malakal, September 2021; CIVIC interview with UNMISS civilian official, #13, Juba, September 2021.
116. CIVIC interview with UNMISS civilian official, #13, Juba, September 2021; CIVIC interview with UNMISS civilian official, #21, Juba, September 2021; CIVIC interview with UNMISS civilian official, #31, Malakal, September 2021.
117. For more information on the HRDDP and the importance of adequate capacity, see *Enabling Support While Mitigating Risk: MONUSCO's Implementation of the Human Rights Due Diligence Policy*, CIVIC, June 2020.
118. CIVIC interview with UNMISS civilian official, #92, Bentiu, October 2021.
119. UNMISS Correspondence with CIVIC, May 2022. UNMISS also indicated in correspondence with CIVIC that the speed of the process is due, in part, to the “multiple steps required for approval and endorsement following the receipt of a complete risk assessment,” which includes approval from multiple officials within UNMISS and UNDP.
120. OIOS, “Audit of the human rights programme in the United Nations Mission in the Republic of South Sudan,” REPORT 2020/044, November 27, 2020, para. 35. Given that conditions were meant to ensure that support did not facilitate violations of international law, OIOS noted that “insufficient monitoring and reporting as to whether or not the imposed conditions were being met may be seen to accept impunity” (para. 36).
121. CIVIC interview with UNMISS civilian official, #13, Juba, September 2021; CIVIC interview with UNMISS civilian official, #33, Malakal, September 2021; CIVIC interview with humanitarian, #20, Juba, September 2021; CIVIC interview with humanitarian, #79, Juba, October 2021. In correspondence with CIVIC, UNMISS officials noted that the Mission has placed more importance on monitoring mitigating measures, including “quarterly reports in 2022 to monitor implementation of mitigating measures.” The Mission is also, they noted, “creating an online dashboard to track progress on the implementation of mitigating measures.” UNMISS Correspondence with CIVIC, May 2022.
122. CIVIC interview with UNMISS civilian official, #35, Malakal, September 2021; CIVIC interview with humanitarian, #75, Juba, October 2021; CIVIC interview with humanitarian, #79, Juba, October 2021; CIVIC interview with UNMISS civilian official, #92, Bentiu, October 2021. It should be noted that a low number of rejections of requests for support does not necessarily indicate a weakness in HRDDP implementation. In certain cases where there is some risk that recipients of UN support could commit violations, UN entities can implement mitigating measures to reduce the risk and still provide support. Moreover, one of the goals of the policy is to “encourage respect” for international law by beneficiaries of the UN’s support. However, as discussed above, the HRDDP requires that UN entities reject requests for support in incidents in which: 1) there is a high likelihood that beneficiaries will commit violations of international human rights, international humanitarian, or international refugee law and; 2) UN interventions, or the application of mitigating measures, cannot sufficiently reduce this likelihood. Particularly in contexts in which national security forces have been responsible for serious violations of international law—including intentional targeting of civilians—it is vital that UN entities are willing to reject support when it cannot be provided safely. For more information, see *Enabling Support While Mitigating Risk: MONUSCO's Implementation of the Human Rights Due Diligence Policy*, CIVIC, June 2020.
123. CIVIC interview with UNMISS civilian official, #13, Juba, September 2021; CIVIC interview with humanitarian, #20, Juba, September 2021; CIVIC interview with UNMISS civilian official, #107, Bentiu, October 2021.
124. United Nations Secretary-General, *Report on the independent strategic review of the United Nations Mission in South Sudan*, para. 167.

ABOUT CENTER FOR CIVILIANS IN CONFLICT (CIVIC)

Center for Civilians in Conflict (CIVIC) is an international organization dedicated to promoting the protection of civilians in conflict. CIVIC envisions a world in which no civilian is harmed in conflict. Our mission is to support communities affected by conflict in their quest for protection and strengthen the resolve and capacity of armed actors to prevent and respond to civilian harm.

CIVIC was established in 2003 by Marla Ruzicka, a young humanitarian who advocated on behalf of civilians affected by the war in Iraq and Afghanistan. Honoring Marla's legacy, CIVIC has kept an unflinching focus on the protection of civilians in conflict. Today, CIVIC has a presence in conflict zones and key capitals throughout the world where it collaborates with civilians to bring their protection concerns directly to those in power, engages with armed actors to reduce the harm they cause to civilian populations, and advises governments and multinational bodies on how to make life-saving and lasting policy changes.

CIVIC's strength is its proven approach and record of improving protection outcomes for civilians by working directly with conflict-affected communities and armed actors. At CIVIC, we believe civilians are not "collateral damage" and civilian harm is not an unavoidable consequence of conflict — civilian harm can and must be prevented.

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